UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES

CHARLES SCHWAB & CO., INC.

and Cases 27–CA–184730

MICHELLE HUSTON

Angie Berens, Esq.,
for the General Counsel.
David L. Zwisler, Esq. (Ogletree, Deakins, Nash, Smoak & Stewart, P.C.),
for the Respondent.

DECISION

JEFFREY D. WEDEKIND, Administrative Law Judge. The complaint in this case challenges two employee "misconduct" rules maintained by Charles Schwab & Co. at its Lone Tree, Colorado facility and other securities brokerage and banking facilities around the country. The first prohibits "[a]cts of . . . misrepresentation, or other misleading conduct."[1] The second prohibits "[a]cts of disrespect or unprofessional or rude conduct, including making disparaging comments to or about co-workers . . . ." Both are listed along with numerous other misconduct rules in Schwab's "business conduct" policy. The policy is posted on Schwab's intranet and, by its terms, applies to "all employees" "in their interactions or business dealings with clients, coworkers, vendors, and the public."[2]

The General Counsel contends that the rules are unlawfully overbroad because they would reasonably be interpreted by employees as prohibiting conduct in the course of union or other concerted activity that is protected under Section 7 of the National Labor Relations Act (NLRA). See *Lutheran Heritage Village-Livonia*, 343 NLRB 646, 647 (2004) (work rules are unlawful if "employees would reasonably construe the language to prohibit Section 7 activity").[3] Schwab, on the other hand, contends that, considered in context, particularly the highly regulated and professional environment in which securities brokerage and banking employees work, neither rule would reasonably be construed to prohibit protected concerted activity.

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[1] The full text of the rule states: "Examples of misconduct include, but are not limited to: Acts of dishonesty, misrepresentation, or other misleading conduct." Jt. Exh. 2, p. 3. The General Counsel does not challenge the prohibition against "dishonesty."

[2] See GC Exh. 1(g), (q); and Jt. Exhs. 1, 2. A hearing on the complaint allegations was held in Denver on May 9. The General Counsel and the Company thereafter submitted briefs on June 13, and supplemental briefs on June 21. The Board's jurisdiction is uncontested and established by the record.

[3] Under *Lutheran Heritage*, a work rule may also violate the Act if it was promulgated in response to protected activity or has been applied to restrict protected activity. However, the General Counsel does not contend that the two rules here are unlawful for these reasons.

As discussed below, Schwab has the better argument with respect to the first rule prohibiting misrepresentations and other misleading conduct, and with respect to the prohibitions in the second rule against unprofessional or rude conduct. Contrary to the General Counsel's allegations, those prohibitions are not unlawfully overbroad. However, the prohibitions in the second rule against making any disrespectful or disparaging comments are clearly overbroad under Board precedent. Those prohibitions therefore violate the Act as alleged.

I. Rule Prohibiting Misrepresentations or Other Misleading Conduct

The Board has long held that employees do not lose the protection of the Act by making false statements in the course of union or other protected concerted activity to improve their working conditions unless the statements were "maliciously" false, i.e. were made with knowledge of their falsity or reckless disregard for their truth or falsity. Thus, an employer may not discipline or discharge an employee for unintentional or merely negligent false, misleading, or inaccurate statements during the course of such protected activity. See *Mastec Advanced Technologies*, 357 NLRB 103, 107 (2011), enfd. sub nom. *DIRECTV, Inc. v. NLRB*, 837 F.3d 25, 41–45 (D.C. Cir. 2016), and cases cited there. See also *Atlantic Towing Co*., 75 NLRB 1169 (1948), enf. denied 180 F.2d 726 (5th Cir. 1950).[4]

For this reason, the Board in several cases has struck down employer rules that prohibit employees from making any false or misleading statements or misrepresentations whatsoever, on the ground that employees would reasonably conclude that such broad prohibitions strip them of their statutory protection and subject them to discipline if they make any statement in the course of union or other protected concerted activity that the employer considers violative of those rules. See *Verizon Wireless*, 365 NLRB No. 38, slip op. 1 n. 3, 19 (2017) (finding unlawful the employer's rule prohibiting employees from "misrepresenting" the company's products or services or its employees); and *Chipotle Mexican Grill*, 364 NLRB No. 72, slip op. at 1 n. 3, and 9 (2016) (finding unlawful the employer's social media rules prohibiting employees from posting "incomplete" or "inaccurate" information, or making "false" or "misleading" statements about the company, employees, suppliers, customers, competition, or investors), and cases cited there.[5]

However, in none of these past cases has the Board considered or applied the foregoing policies or principles in the context of the securities brokerage and banking industries.[6] As indicated by Schwab, the conduct of employers and employees in those industries is heavily regulated. The regulations not only specifically prohibit misrepresentations and misleading

[4] "There is a continuum that runs from simple negligence through gross negligence to intentional misconduct. Recklessness, or reckless disregard, lies between gross negligence and intentional harm." *Saba v. Compagnie Nationale Air France*, 78 F.3d 664, 668 (D.C. Cir. 1996).

[5] Compare *William Beaumont Hospital*, 363 NLRB No. 162, slip op. at 2–3, 33 (2016) (finding that the hospital's rule prohibiting "intentional misrepresentation of information" was lawful "as the intent requirement implies a showing of malice").

[6] In *Dresser-Rand Co*., 358 NLRB 254 (2012), cited by Schwab, the Board did not pass on the ALJ's finding that the employer's rules relating to insider trading and fair disclosure were not overbroad. See fn. 1 of the Board's decision (disregarding the charging party's exceptions to that finding as no grounds were stated for overturning it).

conduct, but also require employers to establish written rules and procedures to ensure that their employees do not engage in such misconduct.

For example,[7] the federal securities laws prohibit "any person" from engaging in "fraudulent," "manipulative," or "deceptive" conduct, including making "untrue" statements (also frequently referred to as "misrepresentations")[8] or "misleading" omissions of material facts, in the offer, purchase, or sale, of securities. See, e.g., 15 U.S.C. §§ 77q(a) and 78j(b); and 17 C.F.R. §240.10b-5. See also 15 U.S.C. § 77k(a) (imposing civil liability for "untrue" statements or "misleading" omissions in registration statements), and § 77l(a) (imposing civil liability for "untrue" statements or "misleading" omissions in prospectuses and oral communications in the offer or sale of securities). "Malice" or "scienter" is not required to find a violation or impose liability under several of these provisions; merely negligent misstatements or omissions may be sufficient. See *Aaron v. SEC*, 446 U.S. 680 (1980); *SEC v. Smart*, 678 F.3d 850, 857 (10th Cir. 2012); *SEC v. Dain Rauscher, Inc.*, 254 F.3d 852 (9th Cir. 2001); and *SEC v. Sullivan*, 68 F.Sup.3d 1367 (D. Colo. 2014) (there is no scienter requirement under 15 U.S.C. § 77q(a), and thus, a violation may be based on simple negligence). See also *Miller v. Thane International, Inc*., 519 F.3d 879, 886 (9th Cir. 2008); and *In re Charles Schwab Corp. Securities Litigation*, 257 F.R.D. 534, 544–545 (N.D. Cal. 2009) (liability may be found under 15 U.S.C. §§ 77k(a) and 77l(a) for innocent or negligent misstatements or omissions).[9]

Moreover, 15 U.S.C. § 78o(b)(4)(E) provides that the Securities and Exchange Commission may censure, suspend, or revoke the registration of any broker or dealer that "has failed to reasonably supervise, with a view to preventing violations of the provisions of [the federal securities statutes, rules, and regulations], another person who commits such a violation, if the other person is subject to his supervision." See, e.g., *Collins v. SEC*, 736 F.3d 521 (D.C.

[7] Several of the statutory and regulatory examples cited here were introduced by Schwab as exhibits at the hearing. Judicial notice is taken of the rest under FRE 201 (Judicial Notice of Adjudicative Facts). See *Taylor Mfg. Co., Inc*., 83 NLRB 142 n. 5 (1949) (holding that the trial examiner properly took judicial notice in his decision of applicable statutes and regulations issued by the Veterans Administration); and *Yellow Cab Co.*, 229 NLRB 1329 n. 2 (1977) (granting the charging party's request to take judicial notice of certain new Chicago regulations affecting the taxicab industry). See also *Toth v. Grand Trunk Railroad*, 306 F.3d 335, 349 (6th Cir. 2002) ("[W]hether a fact is adjudicative or legislative depends upon the manner in which it is used. A legal rule may be a proper fact for judicial notice if it is offered to establish the factual context of the case, as opposed to stating the governing law.") (citation omitted). As indicated above (fn. 2), all parties were provided an opportunity to file supplemental post-hearing briefs addressing the applicability and relevance of the cited additional provisions.

[8] See, e.g., *SEC v. Smart*, 678 F.3d 850, 857 (10th Cir. 2012); *Lloyd v. CVB Financial Corp*., 811 F.3d 1200, 1206 (9th Cir. 2016); *In re Crocs, Inc. Securities Litigation*, 306 F.R.D. 672 (D. Colo. 2014); *In re CitiGroup Inc. Bond Litigation*, 723 F.Supp.2d 568 (S.D.N.Y. 2010); *In re Charles Schwab Corp. Securities Litigation*, 257 F.R.D. 534 (N.D. Cal. 2009); and Thomas Lee Hazen, Treatise on the Law of Securities Regulation, 2 Law Sec. Reg. § 7:64 (updated May 2017).

[9] Scienter is "a mental state embracing intent to deceive, manipulate, or defraud, or recklessness." *Anderson v. Spirit Aerosystems Holdings, Inc.,* 827 F.3d 1229, 1236–1237 (10th Cir. 2016) (quotations and citations omitted).

Cir. 2013); and *Hollinger v. Titan Capital Corp.,* 914 F.2d 1564 (9th Cir. 1990), cert. denied 449 U.S. 976 (1991). It further indicates that, to avoid liability under this section, brokers or dealers should "establish[] procedures, and a system for applying such procedures, which would reasonably be expected to prevent and detect, insofar as practicable, any such violation by such other person."

The Financial Industry Regulatory Authority (FINRA), a self-regulatory organization, also issues rules governing the conduct of securities broker-dealers and associated persons. See http://finra.complinet.com/en/display/display.html?rbid=2403&element_id=607. The rules generally require each member, "in the conduct of its business, to observe high standards of commercial honor and just and equitable principles of trade." See Rule 2010.[10] In addition, they specifically prohibit certain conduct, including making "any false, exaggerated, unwarranted, promissory or misleading statement or claim in any communication" to the public. See Rule 2210.

Consistent with 15 U.S.C. § 78o(b)(4)(E), FINRA rules also require each member to "establish, maintain, and enforce written procedures to supervise . . . the activities of its associated persons that are reasonably designed to achieve compliance with applicable securities laws and regulations, and with applicable FINRA rules." See Rule 3110. They also set forth various sanctions for failure to comply with the rules, including censure, fines, suspension, and expulsion. See Rule 8310.

Federal laws likewise address the conduct of employees in the banking industry. For example, 12 U.S.C. § 1818(e) provides that any party affiliated with an insured depository institution that is found to have engaged or participated in any "unsafe or unsound practice" or committed or engaged in "any act, omission, or practice which constitutes a breach of such party's fiduciary duty" involving "personal dishonesty" may be removed and prohibited from participating in the affairs of any such institution. See also 12 C.F.R. § 163.39(b)(1), which requires each employment contract entered into between a federal savings association and an officer or other employee to contain a provision stating that "personal dishonesty" is cause for termination.

Pursuant to these and other related provisions, the Department of the Treasury, Office of the Comptroller of the Currency (OCC) has issued a handbook for board of directors of banks and savings associations setting forth "standards for safe and sound operation." Among other things, the handbook states that such boards "should adopt a written code of ethics (or code of conduct) to set expected standards of behavior and professional conduct for all employees . . . to foster a culture of integrity and accountability." The handbook states that the code of conduct should "address" nine specific subjects, including:

> • Fair dealing: Employees, officers, and directors should not conceal information, abuse privileged information, misrepresent material facts, or engage in any other unfair dealing practice[; and].
>
> . . .

[10] All broker-dealers must be a member of FINRA (Tr. 48).

> • Compliance: All bank employees, officers, and directors must comply with applicable laws and regulations.

See OCC, The Director's Book: Role of Directors for National Banks and Federal Savings Associations (July 2016), at https://www.occ.gov/publications/publications-by-type/other-publications-reports/the-directors-book.pdf

The federal securities and banking laws also impose penalties for making false or misleading statements, either willfully or inadvertently, when submitting or publishing a report or information required by regulatory agencies. For example, 15 U.S.C. § 78o(b)(4)(A) provides that the Securities and Exchange Commission may censure, suspend, or revoke the registration of any broker or dealer if it finds that the broker-dealer, or any person associated with the broker-dealer, has willfully made or caused to be made a "false or misleading" statement regarding a material fact, or has omitted to state any material fact, in any application for registration or report required to be filed with the Commission or other appropriate regulatory agency. And 12 U.S.C. §1467a(r) provides for a penalty of up to $2,000 per day for inadvertently and unintentionally submitting or publishing any "false or misleading" report or information required by the Board of Governors of the Federal Reserve System or other appropriate federal banking agency, and a penalty of up to $ 1 million or 1 percent of total assets per day for doing so knowingly or with reckless disregard for the accuracy of the information or report. See also the testimony of Jill Richards, the chief compliance officer for Charles Schwab Bank, Tr. at 17–18.

In short, unlike the employers in *Verizon*, *Chipotle*, and similar cases, Schwab is required by federal and industry regulations to maintain a rule prohibiting misrepresentations and misleading conduct.

The General Counsel argues that a violation should nevertheless be found because of *where* Schwab maintains the rule, i.e. because the rule is set forth in the "Misconduct" section along with numerous other rules that are not mandated by federal or industry regulations, rather than in the separate section, on the first page of the policy, entitled "Regulatory and Compliance-Related Business Conduct." However, as indicated above, the OCC handbook specifically indicates that employer codes of conduct should address misrepresentations separately from regulatory compliance generally. Thus, Schwab's placement of the rule is consistent with OCC guidance. Further, there is nothing in the text of the regulatory and compliance section indicating that it is the sole section addressing conduct prohibited by federal and industry regulations. Indeed, the text of the section indicates the opposite.[11]

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[11] In relevant part, the section states,

> Failure to comply with the Compliance Manual, Compliance Bulletins, and the Code of Business Conduct and Ethics is considered misconduct. Additional examples of regulatory and compliance related misconduct include, but are not limited to:
> • fraud, including 'bounced checks' written to the Company or written on a brokerage account with insufficient funds;
> • borrowing, lending or commingling funds with clients (other than members of the employee's immediate family);

The General Counsel also argues that the rule should nevertheless be found unlawful because Schwab has not otherwise made clear to employees that they will not be disciplined under the rule for misrepresentations or misleading conduct in the course of union or other protected concerted activity. In support, the General Counsel cites *Whole Foods Market Group*, 363 NLRB No. 87 (2015), enfd. mem. --- Fed. Appx. --- , 2017 WL 2374843 (2d Cir. June 1, 2017), where the Board struck down the grocery company's rule broadly prohibiting all workplace recording, notwithstanding the company's argument that nonconsensual recording is unlawful in several states. However, the Board emphasized that the company's rule was not limited to stores in those states. Here, in contrast, the federal and industry regulations against misrepresentations and misleading conduct are applicable nationwide, and thus would apply at all of Schwab's U.S. locations. The Board also emphasized that the company's vice president admitted that the rule would apply even when the employees were engaged in union or other protected concerted activity. Here, there is no such admission. Finally, the Board emphasized that recording is often "part of the res gestae of protected concerted activity." The same cannot seriously be said of acts of misrepresentation and other misleading conduct. While Board precedent may prevent an employer from disciplining an employee for such misconduct in the course of protected concerted activity, such misconduct is no more an inherent part of protected concerted activity than abusive or threatening language. See *Lutheran Heritage,* 343 NLRB at 647–648 (agreeing with the D.C. Circuit's view in *Adtranz ABB Daimler-Benz Transportation, N.A. Inc. v. NLRB*, 253 F.3d 19, 26 (D.C. Cir. 2001) that "'it is preposterous [to conclude] that employees are incapable of organizing a union or exercising their other statutory rights under the NLRA without resort to abusive or threatening language.'").

In fact, the circumstances here are more like those in *Flagstaff Medical Center*, 357 NLRB 659, 662–663 (2011), enfd. in relevant part 715 F.3d 928 (D.C. Cir. 2013), which the Board distinguished in *Whole Foods*. The Board in *Flagstaff* reached the opposite conclusion, finding that that the hospital's policy prohibiting the use of cameras for recording images was lawful. The Board emphasized the weighty privacy interests involved and the hospital's well-understood obligation under the Health Insurance Portability and Accountability Act (HIPAA) to prevent the wrongful disclosure of individually identifiable health information. The Board found that, in such circumstances, the employees would reasonably interpret the rule as a legitimate means of protecting those interests, not as a prohibition on protected activity. So too here. Given the strong interest in maintaining public confidence in the securities and banking industries, and the clearly stated and well-known obligation under federal and industry regulations not to engage in acts of misrepresentation and other misleading conduct that

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- giving unsanctioned advice to clients;
- disclosing or giving insider information;
- trading on insider information;
- violation of internal trading rules;
- outside employment or, maintaining or establishing external brokerage accounts without Compliance department approval; and
- breach of client information security rules.

would undermine that interest,[12] Schwab's employees would not reasonably interpret the subject rule as a prohibition on protected concerted activity. Accordingly, the rule does not violate the NLRA.

II. Rule Prohibiting Disrespectful, Unprofessional, or Rude Conduct, Including Disparaging Comments To or About Co-workers

The Board has upheld employer rules prohibiting "unprofessional" conduct. See *Ark Las Vegas Restaurant*, 335 NLRB 1284, 1284 n. 2, 1291–1292 (2001) (upholding employer's rule prohibiting employees from "conducting oneself unprofessionally or unethically, with the potential of damaging the reputation of the Company").[13] The Board has also upheld employer rules prohibiting "rude" conduct. See *William Beaumont Hospital*, 363 NLRB No. 162, slip op. at 1–3 (2016) (upholding employer's rule prohibiting "behavior that is rude, condescending or otherwise socially unacceptable"). Accordingly, the prohibitions in the second rule against unprofessional or rude conduct do not violate the NLRA.

However, the Board has repeatedly struck down employer rules broadly prohibiting any "disrespectful" conduct. See, e.g., *Component Bar Products, Inc.*, 364 NLRB No. 140, slip op. at 1 n.1 (2016); *Casino San Pablo*, 361 NLRB No. 148, slip op. at 3–4 (2014); and *Knauz BMW*, 358 NLRB 1754 (2012). The Board has also repeatedly struck down rules prohibiting "disparaging" comments. See, e.g., *Verizon Wireless*, 365 NLRB No. 38 (2017) (employer's rule prohibited "disparaging" the company's products or services or its employees); *William Beaumont Hospital*, above, slip op. at 2 (hospital's rule prohibited "disparaging" comments about the professional capabilities of an employee or physician to employees, physicians, patients, or visitors); and *Lily Transportation Corp.*, 362 NLRB No. 54, slip op. at 1, 8 (2015) (employer's rule prohibited "disparaging" comments about the company or its employees and associates on the internet). Accordingly, those prohibitions in the second rule violate the NLRA.[14]

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[12] See Tr. 54, 84–89. See also *SEC v. Capital Gains Research Bureau, Inc.*, 375 U.S. 180, 186 (1963), quoting *Silver v. N. Y. Stock Exchange*, 373 U.S. 341, 366 (1963) ("It requires but little appreciation * * * of what happened in this country during the 1920s and 1930s to realize how essential it is that the highest ethical standards prevail in every facet of the securities industry.").

[13] In *Hills & Dales General Hospital*, 360 NLRB No. 70, slip op. at 2 (2014), the Board struck down the employer's rule requiring employees "to represent the company in the community in a "positive and professional manner in every opportunity." However, the Board's analysis indicates that it was primarily the word "positive" that rendered the rule unlawfully overbroad.

[14] *National Dance Institute–New Mexico, Inc.*, 364 NLRB No. 35 (2016), cited by Schwab, is clearly distinguishable on its facts. Further, the Board specifically noted (fn. 2) that it was adopting the ALJ's dismissal of the overbroad-rule allegation in that case "in the absence of argument on exceptions addressing the specific language alleged to be unlawful."

CONCLUSIONS OF LAW

1. Schwab has violated Section 8(a)(1) of the NLRA by maintaining rules in its business conduct policy that broadly prohibit all employees from engaging in any "acts of disrespect . . . , including making disparaging comments to or about co-workers . . . " in their interactions or business dealings with clients, coworkers, vendors, and the public.

2. Schwab has not violated the NLRA by maintaining rules in its business conduct policy that prohibit all employees from engaging in "acts of . . . misrepresentation, or other misleading conduct," or "unprofessional or rude conduct" in their interactions or business dealings with clients, coworkers, vendors, and the public.

ORDER[15]

The Respondent, Charles Schwab & Co., Inc., its officers, agents, successors, and assigns, shall

1. Cease and desist from

(a) Maintaining rules in its business conduct policy that prohibit all employees from engaging in any "acts of disrespect . . . , including making disparaging comments to or about co-workers . . . ," in their interactions or business dealings with clients, coworkers, vendors, and the public.

(b) In any like or related manner restraining or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Rescind the above rules at its Lone Tree, Colorado facility and other facilities nationwide.

(b) Furnish all employees at its Lone Tree, Colorado facility and other facilities nationwide with inserts for the current business conduct policy that advise that the above rules have been rescinded or substitute lawful language; or publish and distribute a revised business conduct policy that does not include the above rules or substitutes lawful language. .

(c) Within 14 days after service by the Region, post at its Lone Tree, Colorado facility and other facilities nationwide copies of the attached notice marked "Appendix".[16]

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[15] If no exceptions are filed as provided by Sec. 102.46 of the Board's Rules and Regulations, the findings, conclusions, and recommended Order shall, as provided in Sec. 102.48 of the Rules, be adopted by the Board and all objections to them shall be deemed waived for all purposes.

[16] If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."

Copies of the notice, on forms provided by the Regional Director for Region 27, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the notices shall be distributed electronically, such as by email, posting on an intranet or an internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, Respondent has gone out of business or closed a facility, Respondent shall duplicate and mail, at its own expense, a copy of the notices to all current and former employees employed by Respondent at the closed facility or facilities at any time since July 4, 2016.

(d) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., June 26, 2017

Jeffrey D. Wedekind
Administrative Law Judge

APPENDIX

NOTICE TO EMPLOYEES

Posted by Order of the
National Labor Relations Board
An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join, or assist a union
Choose representatives to bargain with us on your behalf
Act together with other employees for your benefit and protection
Choose not to engage in any of these protected activities.

WE WILL NOT maintain rules in our business conduct policy that broadly prohibit you from engaging in any "acts of disrespect . . . , including making disparaging comments to or about co-workers," in your interactions or business dealings with clients, coworkers, vendors, and the public.

WE WILL NOT in any like or related manner restrain or coerce you in the exercise of the rights guaranteed you by federal labor law.

WE WILL rescind the above rules at all of our facilities nationwide.

WE WILL notify all employees at our facilities nationwide that the above rules have been rescinded and will no longer be enforced.

CHARLES SCHWAB & CO., INC.

(Employer)

Dated _____ By _____

(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: www.nlrb.gov.

Byron Rogers Federal Office Building, 1961 Stout Street, Suite 13-103, Denver, CO 80294
(303) 844-3551, Hours: 8:30 a.m. to 5:00 p.m.

The Administrative Law Judge's decision can be found at www.nlrb.gov/case/27-CA-184730 or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Washington, D.C. 20570, or by calling (202) 273–1940.

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S COMPLIANCE OFFICER, (720)598-7398.